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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-41**

12 **CHRISTINA EILEEN HILL**  
13 **540 West Arrow Hwy., Apt. E**  
14 **Upland, CA 91786**

**A C C U S A T I O N**

15 **Registered Nurse License No. 748384**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about April 1, 2009, the Board of Registered Nursing issued Registered Nurse  
24 License Number 748384 to Christina Eileen Hill (Respondent). The Registered Nurse License  
25 was in full force and effect at all times relevant to the charges brought herein and will expire on  
26 July 31, 2012, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

6. Section 482 of the Code states:

"Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

"(a) Considering the denial of a license by the board under Section 480; or

"(b) Considering suspension or revocation of a license under Section 490.

"Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee."

7. Section 490 of the Code provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the

1 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
2 and the board may inquire into the circumstances surrounding the commission of the crime in  
3 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
4 qualifications, functions, and duties of the licensee in question.

5 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and  
6 'registration.'"

7 9. Section 2761 of the Code states:

8 "The board may take disciplinary action against a certified or licensed nurse or deny an  
9 application for a certificate or license for any of the following:

10 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

11 "....

12 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
13 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
14 conclusive evidence thereof.

15 "...."

16 10. Section 2762 of the Code states:

17 "In addition to other acts constituting unprofessional conduct within the meaning of this  
18 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
19 chapter to do any of the following:

20 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
21 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or  
22 administer to another, any controlled substance as defined in Division 10 (commencing with  
23 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
24 defined in Section 4022.

25 "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
26 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
27 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
28

1 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
5 or the possession of, or falsification of a record pertaining to, the substances described in  
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
7 thereof.

8 ". . . ."

9 11. Section 2765 of the Code states:

10 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
11 charge substantially related to the qualifications, functions and duties of a registered nurse is  
12 deemed to be a conviction within the meaning of this article. The board may order the license or  
13 certificate suspended or revoked, or may decline to issue a license or certificate, when the time  
14 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an  
15 order granting probation is made suspending the imposition of sentence, irrespective of a  
16 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person  
17 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict  
18 of guilty, or dismissing the accusation, information or indictment."

## 19 REGULATIONS

20 12. California Code of Regulations, title 16, section 1444, states:

21 "A conviction or act shall be considered to be substantially related to the qualifications,  
22 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
23 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
24 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

25 "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in  
26 subdivision (d) of Penal Code Section 11160.

27 "(b) Failure to comply with any mandatory reporting requirements.

28 "(c) Theft, dishonesty, fraud, or deceit.

“(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.”

13. California Code of Regulations, title 16, section 1445 states:

“ . . .

“(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

“(1) Nature and severity of the act(s) or offense(s).

“(2) Total criminal record.

“(3) The time that has elapsed since commission of the act(s) or offense(s).

“(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

“(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

“(6) Evidence, if any, of rehabilitation submitted by the licensee.”

## COST RECOVERY

14. Section 125.3 of the Code provides that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**

**(March 24, 2010, Conviction for DUI on October 16, 2009)**

15. Respondent is subject to disciplinary action under Code sections 490 and 2761, subdivision (f), on the grounds that she was convicted of a crime that is substantially related to her qualifications, functions and duties as a registered nurse. The circumstances are as follows:

a. On March 24, 2010, in a criminal case entitled *The People of the State of California v. Christina Eileen Hill aka Tina Hill*, Riverside County Superior Court case number RIM542633, Respondent was convicted by her plea of guilty to violating Vehicle Code section 23152, subdivision (a), driving under the influence of alcohol charged as a second offense.

1 Respondent also admitted to the prior DUI. An enhancement for blood alcohol content (BAC)  
2 above .15 percent under Vehicle Code section 23578 was dismissed.

3 b. The facts that led to this conviction are that on October 16, 2009, two California  
4 Highway Patrol (CHP) officers were traveling on SR-91 by Van Buren Boulevard, in the City of  
5 Riverside, when their attention was drawn to a slower moving vehicle swerving within the #2 and  
6 #3 lanes of traffic. The CHP officers pulled over Respondent and she was advised of the reason  
7 for the traffic stop. Respondent stated that she was texting her boyfriend, possibly causing her to  
8 swerve on the roadway. The officer that was speaking with Respondent noticed a smell of  
9 alcohol emitting from Respondent's vehicle, her eyes were red, watery, and her speech was  
10 slurred. When asked by the officer, Respondent responded that she had been drinking alcohol  
11 earlier at two separate locations. Respondent failed field sobriety tests and was arrested.  
12 Respondent was advised of the Preliminary Alcohol Screening Device (PAS) admonition and  
13 consented to the test. The PAS test yielded results of .164 at 0236 hours and .153 at 0238 hours.  
14 Respondent also consented to a blood test and was transported to the Robert Presley Detention  
15 Center where a blood sample was obtained and she was booked.

16 c. As a result of the conviction, Respondent was sentenced to 48 months of summary  
17 probation, ordered to obey all laws, ordinances, and court orders, serve 30 days in the custody of  
18 the Riverside Sheriff with credit for 1 day time served, abstain from the use of alcoholic  
19 beverages and not to frequent places where it is the main item of sale, pay various fines and fees,  
20 not to drive without a valid driver's license, registration or insurance, not to drive after drinking  
21 alcohol, complete a Drinking Driver Program, and to submit to any tests upon request of any  
22 probation or law enforcement officer.

## 23 SECOND CAUSE FOR DISCIPLINE

### 24 (Using Alcohol to a Dangerous Extent)

25 16. Respondent's license is subject to discipline under Code section 2762,  
26 subdivision (b), in that Respondent used alcohol to an extent dangerous to herself as is set forth in  
27 paragraph 15, above, which is incorporated by this reference.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction Involving the Consumption of Alcohol)**

3 17. Respondent's license is subject to discipline under Code section 2762,  
4 subdivision (c), in that Respondent was convicted of a criminal offense involving the  
5 consumption of alcohol as is set forth in paragraph 15, above, which is incorporated by this  
6 reference.

7 **OTHER MATTERS**

8 18. To determine the degree of discipline to be imposed, if any, pursuant to title 16,  
9 California Code of Regulations, section 1445, subdivision (b), Complainant alleges that between  
10 1999 and 2000, Respondent was arrested and convicted of driving under the influence of alcohol  
11 on at least one previous occasion in Orange County, California.

12 **PRAYER**

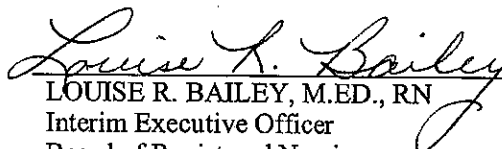
13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
14 and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License Number 748384, issued to  
16 Christina Eileen Hill;

17 2. Ordering Christina Eileen Hill to pay the Board of Registered Nursing the reasonable  
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
19 Code section 125.3;

20 3. Taking such other and further action as deemed necessary and proper.

21  
22 DATED: 7/15/10

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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